IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.801 of 2007
KHUSHBU KUMARI
Versus
THE STATE OF BIHAR & ORS
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4 22.9.2008 Heard.

The petitioner is the daughter of respondent no.4, the informant of Sahkund (Sajour) P.S. Case No.55 of 2007 under sections 363 and 366(A) of the I.P.C.

Respondent no.4 lodged on F.I.R. alleging therein that a minor daughter, Kumari Khushbu has been kidnapped by Raushan Kumar Raj aged 25 years. The aforesaid Khushbu Kumari who is the petitioner herein states that she has not been kidnapped by any one rather she, on her own, gone out with Raushan Kumar Raj and has married him.She states that she is major. She suibmits that her father, the informant, has filed a petition in the court of C.J.M., Bhagalpur, stating that the matter has been compromised and sorted out and the petitioner is not a minor.

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Pursuant to the notice respondent no.4 filed appearance and has filed affidafvit stating that her daughter is major and she is carrying pregnancy of 8 months.

Having heard the learned counsel for the parties it is evidently clear from the decision in a case of Lata Singh vrs. State of U.P. reported in 2006 P.L.J.R. 329 S.C., that a girl who has attained majority is free to marry a boy of her choice. The affidavit filed by the petitioner as well as the father of the girl wherein both of them have asserted that the girl is major.

After taking into consideration the facts and circumstances of the case particularly the affidavit of her father that her daughter has willingly married Raushan Kumar Raj and is carrying pregnancy of eight months, no useful purpose would be served in allowing the prosecution to continue.

In the circumstances criminal prosecution arising out of Shahpur (Sajour) P.S. Case No.55 of 2007 under sections 363 and 366 (A) of is hereby quashed.

With the aforesaid observation this writ application is disposed of .

Anilksinha **(Samarendra Pratap Singh,J.)**

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